



Cover Memorandum/Staff Report

File #: 25-1139

Agenda Date: 10/21/2025

Item #: 7.C.

TO: Mayor and Commissioners
FROM: Anthea Gianniotis, Development Services Director
THROUGH: Terrence R. Moore, ICMA-CM
DATE: October 21, 2025

RESOLUTION NO. 01-25: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, PROVIDING FOR THE ABANDONMENT OF THE RIGHT OF PUBLIC ACCESS TO ESTUARY WAY, OLD PALM LANE, EASTVIEW AVENUE, AND OPEN SPACE TRACTS OS 3, OS 4, OS 5, OS 10, OS 12, AND OS 13 AS RECORDED ON THE PLAT OF OLD PALM GROVE IN PLAT BOOK 99, PAGES 63 THROUGH 67 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (QUASI-JUDICIAL)

Recommended Action:

Review and consider abandoning the right of public access to Open Space Tracts OS 3, OS 4, OS 5, OS 10, OS 12, and OS 13; Old Palm Lane; Eastview Avenue, east of Old Palm Lane; and parts of Estuary Way (excluding the segment recorded in Plat Book 93, Page 129-130), as recorded in the plat of Old Palm Grove in Plat Book 99, Pages 63-67 of the Official Records of Palm Beach County.

Background:

Old Palm Grove was developed by New Urban / RFC Developers, LLC, who assembled eight parcels for a new residential development east of North Federal Highway, with approval provided through a series of purposeful series actions, including allowing public rights-of-way to be incorporated into the project to create a traditional neighborhood design and to preserve public access in Old Palm Grove. The extensive history of actions taken by the City Commission when Old Palm Grove was created is provided in the attached staff report.

Findings

To approve the abandonment request, the Commission must make the findings outlined below.

LDR Section 3.1.1, Required Findings

(C) Consistency. *A finding of overall consistency may be made even though the action will be in conflict with some individual performance standards contained within Article 3.2, provided that the approving body specifically finds that the beneficial aspects of the proposed project (hence compliance with some standards) outweighs the negative impacts of identified points of conflict.*

Several of the many Comprehensive Plan policies applicable to the request are provided below:

Neighborhoods, Districts, and Corridors Element

Policy NDC 2.2.1 Maintain and enhance the tightly gridded, interconnected street network that facilitates the dispersal of traffic and contributes to the character of Delray Beach using the following Complete Streets techniques, where appropriate:

- *Design streets to be safe, comfortable, and attractive for pedestrians, cyclists, and drivers.*
- *Do not close or abandon streets or alleys and encourage connectivity of vehicular, pedestrian and bicycle routes.*
- *Provide links to regional bicycle/pedestrian networks.*
- *Reinvest in roadway infrastructure, such as intersections, signalization, and turning movements without increasing the number of through vehicular lanes.*

Open Space Parks and Recreation Element

Policy OPR 1.4.1 Continue to require the provision of sufficient open space in public and private development projects through the Land Development Regulations.

Policy OPR 1.4.5 Maximize public accessibility to open space, parks, and recreational facilities provided by requiring them to be strategically planned and located within new development.

Policy OPR 2.2.5 Plan interconnected greenway corridors (trails) that link native ecosystems, parks, golf courses, canals, and natural areas throughout Delray Beach.

Mobility Element

Policy MBL 2.7.7 Do not grant abandonment of right-of-way unless conclusively demonstrated that there is not, nor will there be, a need for the use of the right-of-way for any public purpose.

LDR Section 2.4.9(B)(6), Abandonment of right-of-way: Findings

Prior to granting an abandonment the City Commission must make the following findings:

- (a) That there is not, nor will there be, a need for the use of the right-of-way for any public purpose.
- (b) That the abandonment does not, nor will not, prevent access to a lot of record.
- (c) That the abandonment will not result in detriment to the provision of access and/or of utility services to adjacent properties or the general area.

LDR Section 2.4.9(B)(4)(d)

A recommendation by the City Engineer is required. The City Engineer has recommended denial of the request, based on his analysis that the public purpose of the access is still valid, although the abandonment will not result in a detriment to the provision of access and/or of utility services to adjacent properties or the general area. However, it is important to note, the houses on Eastview Avenue would not have an acceptable turn around, if access through Old Palm Grove is prohibited. The gate currently opens on demand and serves as traffic calming, which allows cars to turn around without utilizing private driveways.

The current configuration of Old Palm Grove is the result of a purposeful strategy, and significant effort, to maintain bicycle and pedestrian access through both Old Palm Grove and the surrounding neighborhoods. The success of Old Palm Grove is largely due to its traditional neighborhood design qualities: a compact neighborhood with diverse housing types arranged to provide for both an aesthetic appeal and to create a superior public realm with narrow, tree-lined streets. These same qualities, which also afford a natural oversight of the streets by the residents, are reflected in low crime statistics. By allowing for the reconfiguration of the previous public rights-of-way to create Old

Palm Grove, the City played a part in its implementation, and required amenities to the public in the form of access and a park. The Board should consider if the effort and intentionality that brought about the current configuration is worth undoing to help the residents of Old Palm Grove overcome a perception about crime and safety that is not evidence-based. A full analysis of the request is provided in the attached Planning and Zoning Board staff report.

The request was considered at a public hearing held by the Planning and Zoning Board on August 25, 2025. A motion to recommend approval of the request failed by a vote of 3 to 3.

City Attorney Review:

Resolution No. 01-25 has been approved as to form and legal sufficiency.

Funding Source/Financial Impact:

Not applicable.

Timing of Request:

Resolution No. 01-25 would be effective upon adoption and recordation.